CASE NO08CV 31 31
ATTACHMENT NO. 3
EXHIBIT B part4
TAB (DESCRIPTION)

- 1 A. Yes.
- 2 Q. All right. Now, after Sergeant Collins
- 3 and Officer Kimble punched you when you were in
- 4 this room that you were taken into at the Metra
- 5 police offices, did either of them hit, slap or
- 6 punch you again?
- 7 A. Yes.
- 8 Q. All right. When's the next time that
- 9 either of them hit, slapped or punched you?
- 10 A. After they put me in the cell are you
- 11 asking?
- 12 Q. I'm asking after this occasion where
- 13 Sergeant Collins says, so you like hitting up on
- 14 black people, and he punches you above the right
- 15 brow. Then Officer Kimble punches you on the left
- 16 cheek bone and left brow. When's the next time
- 17 either of them hit, punched or slapped you?
- 18 A. They didn't hit me after -- you're going
- 19 to get into this. Officer Collins threw me down.
- 20 That's the next time it happened.
- 21 Q. So the next time that either
- 22 Sergeant Collins or Officer Kimble hit, punch or
- 23 slap you is after you're already in the holding
- 24 cell?

- 1 A. Yes.
- Q. So then let's back up a moment.
- 3 You're in this room that's not the holding
- 4 cell. Sergeant Collins just hit you.
- 5 Officer Kimble just hit you. Do either of them
- 6 stay anything else at that point in terms of you
- 7 like hitting black people?
- 8 A. I don't recall.
- 9 Q. All right. Was it after Officer Kimble
- 10 struck you that you were then taken to the holding
- 11 cell?
- 12 A. Yes.
- 13 Q. All right. There was a bench inside the
- 14 holding cell; is that accurate?
- 15 A. Yes.
- 16 Q. And this was a metal bench?
- 17 A. Yes.
- 18 Q. All right. Can you tell me were the edges
- 19 of this metal bench were they square, sharp,
- 20 rounded?
- A. Rounded.
- 22 Q. Okay. Were they rounded smooth?
- 23 A. I don't recall.
- Q. Were there any jagged edges on the edge of 212

- 1 the bench?
- A. I don't recall.
- Q. Inside this holding cell there's also a
- 4 big window?
- 5 A. Yes.
- 6 Q. All right. There's a toilet?
- 7 A. Yes.
- 8 Q. There's a sink?
- 9 A. Yes.
- 10 Q. Was there anything else inside the room
- 11 when you were taken in there besides the bench, the
- 12 toilet, the stink?
- 13 A. I believe there was toilet paper, like
- 14 boxes of toilet paper, cardboard boxes.
- 15 Q. Was there a filing cabinet in there?
- 16 A. I don't recall. There was a fire
- 17 extinguisher, I remember that.
- 18 Q. Were there any boxes or little bottles of
- 19 water in there at the time?
- A. I don't recall.
- 21 Q. Okay. Looking at Paragraph 19 on Page 4,
- 22 it says, Matthew was handcuffed to wall restraints
- 23 in a small, concrete room for several hours. At
- 24 one point Matthew heard the voice of the Chicago

- 1 police officers outside his detention room and
- 2 kicked the door to alert them to his presence.
- Now, let me ask, the small concrete room,
- 4 that's this holding cell with this toilet and the
- 5 sink and the window?
- 6 A. Yes.
- 7 Q. All right. There's also a door to that
- 8 room?
- 9 A. Yes.
- 10 Q. Okay. Was there a window on that door?
- 11 A. Yes.
- 12 Q. Was that covered or was it open so you
- 13 could actually see out the window?
- 14 A. It was open.
- 15 Q. Could you see out the window of the cell?
- 16 A. Yes.
- 17 Q. All right. The bigger window that takes
- 18 up almost one whole wall in the holding cell?
- 19 A. Yes.
- Q. Could you see out of that window?
- 21 A. Yes. The light wasn't on, so you could
- 22 barely see in there.
- Q. Were you able to see people moving in the
- 24 office outside of the holding cell?

- 1 A. Through the door, yes, but not -- I didn't
- 2 see anyone moving in the other room.
- Q. Were you able to hear voices of people in
- 4 the office while you were in the holding cell?
- 5 A. Yes.
- 6 Q. Is that how you knew the Chicago police
- 7 officers arrived?
- 8 A. Yes.
- 9 Q. All right. First, it says you were
- 10 handcuffed to wall restraints. What wall were
- 11 these restraints on?
- 12 A. Okay. My hands remained cuffed. On the
- 13 bench underneath there's a bar. My ankle was
- 14 cuffed. I was never cuffed to the wall, but I was
- 15 cuffed to the bench on my one ankle.
- 16 Q. Okay. So you were taken to the holding
- 17 cell. The handcuffs were actually kept on you?
- 18 A. Yes.
- 19 Q. And then there were handcuffs or some sort
- 20 of cuffs on this bar underneath the bench; is that
- 21 accurate?
- 22 A. Yes.
- Q. And then one of your ankles was actually
- 24 cuffed to --

- 1 A. Yes.
- Q. -- the bar under the bench?
- 3 A. Yes, my left ankle.
- 4 Q. Your left ankle, all right.
- 5 Do you have any idea about how long you
- 6 were in the holding cell before the Chicago police
- 7 arrived?
- 8 A. I believe 11:30, I would say, 11:30,
- 9 midnight. So I was in there almost an hour.
- 10 Q. All right. You were in the holding cell
- 11 approximately an hour before you realized the
- 12 Chicago police had arrived?
- 13 A. Yes.
- 14 Q. Now, when you were put in that holding
- 15 cell, do you know where Deborah Coleman was?
- 16 A. I heard her behind -- you have the cell
- 17 and that little door you can look through the
- 18 window, she was in there.
- 19 Q. Okay. You were actually able to hear
- 20 Deborah Coleman's voice while you were in the cell?
- 21 A. You couldn't make it out clearly, but yes.
- 22 Q. You could hear her talking. You just
- 23 couldn't identify what she was saying?
- A. Yes, and I could look through there, and I

- 1 saw it was her.
- Q. Okay. Who was she talking to when you
- 3 looked through the window and saw she was in the
- 4 offices?
- 5 A. One of the police officers. I couldn't
- 6 see them from the angle I was in.
- 7 Q. Okay. Are you aware that Miss Coleman
- 8 signed a complaint against you?
- 9 A. Yes. I was charged.
- 10 Q. Okay. When did you first become aware
- 11 that Miss Coleman had actually signed a complaint
- 12 against you?
- 13 A. When I got out of jail.
- 14 Q. When you say when you got out of jail,
- 15 when you were actually released on I-bond from the
- 16 Chicago police?
- 17 A. Yes.

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- 18 Q. Okay. Now, excuse me, going back to
- 19 paragraph 19, you were in the holding cell for
- 20 approximately an hour when you heard the voices of
- 21 Chicago police officers; is that accurate?
- 22 A. Yes.
- Q. Do you know who called the Chicago police?
- 24 A. No.

- 1 Q. Do you have any idea why they came down
- 2 there?
- 3 A. To take -- to transport -- to transport me
- 4 to their -- to the First District. That's what I
- 5 believed.
- 6 Q. That's what --
- 7 A. Because they talked to the Metra police.
- 8 They asked them if they were going to take me now.
- 9 They said, no, they were going to do the paperwork
- 10 and the Metra was going to take me. And then
- 11 Chicago police went on their way.
- 12 Q. While you were in the holding cell you
- 13 actually heard the conversation between the Chicago
- 14 police and the Metra police?
- 15 A. Yes. They were loud.
- 16 Q. And during that conversation the Chicago
- 17 police were asking whether they were going to take
- 18 you into custody now; and the Metra police said,
- 19 no, let's fill out the paperwork first, and then we
- 20 will transfer him to Chicago?
- 21 A. Yes, yes.
- Q. Now, looking at Paragraph 20, it says, the
- 23 door was opened by Collins. Matthew stated, "I
- 24 want to talk to the real police." Collins stated,

- 1 "I am the real police" and grabbed Matthew roughly
- 2 and threw him to the concrete floor injuring
- 3 Matthew and causing Matthew's pants to be ripped
- 4 apart.
- 5 Did I read that accurately?
- 6 A. Yes.
- 7 Q. Now, the paragraph before that indicated
- 8 that you kicked the door to alert the Chicago
- 9 police to your presence?
- 10 A. Yes.
- 11 Q. Were you screaming also?
- 12 A. No.
- 13 Q. All right. Did the Chicago police say
- 14 anything to you?
- 15 A. No.
- 16 Q. Do you know -- you learned from the
- 17 conversation that the -- between the Chicago police
- 18 and the Metra police that the Chicago police knew
- 19 you were there?
- 20 A. Yes.
- Q. Okay. Do you know why -- strike that.
- 22 Did you shout or call out anything about,
- 23 I've been hit by these police officers?
- A. No, because they were also laughing with

- 1 them. So all I wanted to do was talk to the
- 2 police. I figured you're not going to -- you can't
- 3 get through to people if you're yelling and
- 4 shouting. You at least have to have a conversation
- 5 and talk to them calmly. I kicked on the door, and
- 6 I wanted to talk to them calmly about I was
- 7 wrongfully arrested and tell them my story.
- 8 And that's when Officer Collins opened the
- 9 door and was like, what. And then I said I wanted
- 10 to talk to the real police.
- 11 Q. Did the Chicago police leave before
- 12 Sergeant Collins opened the door?
- 13 A. No. They were still there.
- 14 Q. All right. So the Chicago police
- 15 officers, how many were there?
- 16 A. Two.
- 17 Q. What did they look like?
- 18 A. One Latino and one white.
- 19 Q. Had you ever seen either of these officers
- 20 before?
- 21 A. No, ma'am.
- Q. All right. Were you able to hear either
- 23 of these officers identify themselves by either
- 24 star number or name or anything like that?

- 1 A. No, ma'am.
- Q. All right. So the Chicago police officers
- 3 are down there. You're kicking on the door, and
- 4 Sergeant Collins opens the door to the holding
- 5 cell?
- 6 A. Yes.
- 7 Q. Sergeant Collins then asks, what?
- 8 A. Yes.
- 9 Q. And you then indicate that you wanted to
- 10 talk to the real police?
- 11 A. Yes.
- 12 Q. You didn't think Sergeant Collins was real
- 13 police?
- 14 A. No.
- 15 Q. Why?
- 16 A. Because from what I told you before, I
- 17 always believed that Metra police was there for
- 18 security and train -- like stuff that happens on
- 19 the train. I didn't believe they were anything to
- 20 do with the streets of Chicago, so I didn't believe
- 21 they were real police.
- Q. Okay. Did you believe they were the real
- 23 police after Sergeant Collins said, I am the real
- 24 police?

- 1 A. No, I still didn't believe it.
- 2 Q. Did the Chicago police officer say
- 3 anything about how Sergeant Collins was the real
- 4 police?
- 5 A. They didn't say anything.
- 6 Q. But they were standing by when you asked
- 7 to speak to the real police?
- 8 A. Yes.
- 9 Q. All right. And they were standing by when
- 10 Sergeant Collins said he was the real police?
- 11 A. Yes.
- 12 Q. And were those same Chicago police
- 13 officers standing by when Sergeant Collins grabbed
- 14 you roughly and threw you to the concrete floor in
- 15 the holding cell?
- 16 A. Yes. If they would have -- most likely
- 17 they saw; but if they were standing over -- they
- 18 were -- the door was open. They had to see it.
- 19 Q. You didn't scream or call out or anything
- 20 when Sergeant Collins threw you to the ground?
- 21 A. No.
- Q. Were your hands still handcuffed at the
- 23 time?
- 24 A. Yes.

- 1 Q. Your left ankle was still cuffed to the
- 2 bench?
- 3 A. Yes. How it is, you can move. The bar
- 4 moves, so I could move all the way to that side of
- 5 the table to the bench, you know. So I moved, and
- 6 then the door was here. And I got up, and I kicked
- 7 the door. I was standing; and my ankle was still
- 8 cuffed and my hands were cuffed. He opened the
- 9 door.
- 10 I said I wanted to talk to the real
- 11 police. He said, I am the real police; and he
- 12 threw me down. And because I was facing this way,
- 13 he threw me back this way. My hands were cuffed,
- 14 and I fell back. There was a toilet back there. I
- 15 didn't hit the toilet. My khaki pants ripped from
- 16 my groin down to my ankle, and I have those pants,
- 17 because I was cuffed and I fell back. So there was
- 18 like -- I was stuck and just my whole pants ripped.
- 19 MR. FITZSIMMONS: Let the record reflect that
- 20 Miss Mayhew and Miss Rosen have already examined,
- 21 physically examined those pants in our office.
- 22 BY MS. MAYHEW:
- Q. We took some pictures of those photos, and
- 24 we can get into that a bit later.

- 1 But right now I want to know as far as you
- 2 know these Chicago police officers were in a
- 3 position where they could have seen
- 4 Sergeant Collins throw you to the ground in the
- 5 holding cell?
- 6 A. Yes.
- 7 Q. And you said they were laughing at some
- 8 point, the Chicago police officers?
- 9 A. When I was in the cell, yes, they were
- 10 joking around. I don't know what they were joking
- 11 around about, but yes.
- 12 Q. Okay. You didn't hear specifically what
- 13 they were saying to cause them to be joking around?
- 14 A. No.
- 15 Q. Okay. And after Sergeant Collins threw
- 16 you to the ground, the Chicago police still said
- 17 nothing?
- 18 A. Yes.
- 19 Q. All right. And you indicated
- 20 Sergeant Collins grabbed you roughly.
- 21 Where did he grab you, what part of the
- 22 body?
- 23 A. Up here, and he gave me one of those
- 24 shoves, pushed me down.

- 1 Q. You said up here indicating --
- A. By my neck area and threw me down.
- 3 Q. Let me finish.
- 4 A. Sorry.
- 5 Q. Okay. You said up here. You were
- 6 indicating that Sergeant Collins grabbed you by
- 7 your neck area. Would that be the V from your
- 8 jersey, the area where he grabbed you?
- 9 A. Yes.
- 10 Q. And did he grab you by the clothes?
- 11 A. Yes, but it was real guick.
- 12 Q. So he grabbed -- Sergeant Collins grabbed
- 13 you quickly by the V-neck area of your jersey and
- 14 threw you down such that you fell backwards?
- 15 A. Yes.
- 16 Q. Okay. And when you fell backwards, you
- 17 said you did not hit the toilet?
- 18 A. No, I did not hit the toilet.
- 19 Q. When you fell backwards, you said your
- 20 pants ripped; is that accurate?
- 21 A. Yes.
- Q. If you're falling back -- your pants
- 23 actually ripped on the front, true?
- 24 A. Yes.

- 1 Q. So what did your pants hit that caused
- 2 them to rip when you were falling backwards?
- 3 A. I believe that because I was cuffed the
- 4 force of the pulling back and all the falling back
- 5 caused it to rip. There was nothing on the ground
- 6 that could have ripped my pants from how they were
- 7 ripped that long.
- 8 Q. You think the cuffs might have initially
- 9 caused the rip?
- 10 A. No, the cuffs -- it's because I was cuffed
- 11 and I was pushed back causing pressure and me
- 12 falling back; and then the cuffs trying to pull
- 13 back and me falling back caused my pants to rip.
- 14 Q. Let me ask you this.
- 15 As you were falling as far as you knew,
- 16 your pants did not actually catch on anything sharp
- 17 inside the cell?
- 18 A. No.
- 19 Q. You were falling backwards. Your hands
- 20 were still cuffed, and they were cuffed behind you
- 21 are back, true?
- 22 A. Yes.
- Q. And only one ankle was actually cuffed as
- 24 you were falling backwards from being pushed,

- 1 right?
- 2 A. Yes.
- 3 Q. And you indicated that the pants ripped
- 4 from the groin up kind of actually more like by the
- 5 button down to the ankle?
- 6 A. Yeah. No, not the button. From my
- 7 scrotum down to my ankle, almost all the way down
- 8 they ripped.
- 9 Q. All right. Now, did they rip from top to
- 10 bottom or bottom to top? Do you know what I mean?
- 11 A. I don't know how they ripped. It was just
- 12 ripped. I don't know how it happened. When I got
- 13 up my whole pants were -- I don't know which way
- 14 they ripped. They were ripped.
- 15 Q. So you don't know whether they ripped
- 16 starting at the ankle and ripped upwards versus
- 17 starting up by the scrotum and ripped down?
- 18 MR. FITZSIMMONS: Objection, asked and
- 19 answered.
- 20 BY MS. MAYHEW:
- 21 Q. You can answer.
- 22 MR. FITZSIMMONS: No, he just said, I don't
- 23 know how it happened. He just specifically told
- 24 you that. And I'm noting that the time is now

- 1 almost 5:00. You continue to ask questions
- 2 multiple times of this man. The end of the
- 3 business day is 5:00, and there's nothing in the
- 4 rules that requires us to stay here after 5:00.
- 5 MS. MAYHEW: For the record, we actually
- 6 started the deposition at ten until noon. And we
- 7 had approximately 40 minutes break for lunch.
- 8 BY MS. MAYHEW:
- 9 Q. Are you going to answer the question?
- 10 A. I already answered it.
- 11 Q. Your answer is you don't know?
- 12 A. I don't know how they ripped. They
- 13 ripped, though, from me being pushed back.
- 14 Q. They ripped at the same time you were
- 15 pushed back?
- 16 A. Yes.
- 17 Q. Okay. Now, I've seen the pants, and we
- 18 took photographs of the pants. These are just
- 19 color prints of the photographs that we took, so
- 20 I'm just going to use a couple of these and mark
- 21 those.
- 22 (Whereupon, Granberg Deposition
- 23 Exhibit Nos. 3 and 4 were marked
- 24 for identification.)

- 1 BY MS. MAYHEW:
- 2 Q. Those are photographs that were taken of
- 3 your pants when Miss Rosen and I went to your
- 4 attorney's office to view the pants.
- 5 Do those photographs fairly and accurately
- 6 represent your pants as they were after they were
- 7 ripped on the day of this accident?
- 8 A. Yes.
- 9 Q. Okay. I want you to take a look at the
- 10 picture that shows the longer view of the pants.
- 11 In that picture you can see the rip originating up
- 12 maybe about 2 inches below the belt line. Do you
- 13 see that?
- 14 A. Yes.
- 15 Q. All right. And then that rip continues
- 16 down the page towards the bottom of the pants?
- 17 A. Yes.
- 18 Q. You see the rip actually ends about
- 19 halfway down the pants. Can you see the end?
- 20 A. Yes.
- Q. All right. So based on that photograph
- 22 the rip actually went down closer to your knee
- 23 rather than your ankle. Is that a fair statement?
- A. Yes, but the picture is kind of like

- 1 blurry, but yes.
- Q. Okay. Now, these pants, did you wash them
- 3 at all prior to giving them to your attorney?
- 4 A. No.
- 5 Q. All right. So you handed them to your
- 6 attorney as they were the day you took them off
- 7 after getting released from everything?
- 8 A. Yes, yes.
- 9 Q. Okay. If you look at the photographs, you
- 10 can also see the rip kind of not only goes down
- 11 what would be the right leg, but there's also a bit
- 12 of a hole kind of by the scrotum area on the left
- 13 pant line. Do you see that?
- 14 A. Yeah.
- 15 Q. All right. So did it actually rip out the
- 16 groin area both on the right side and the left
- 17 side?
- 18 A. Yeah.
- 19 Q. And your underwear was exposed?
- 20 A. Yes.
- Q. All right. Okay. Paragraph 21 says,
- 22 during his ordeal Matthew asked for medical
- 23 treatment, and all the defendants refused to assist
- 24 him with the injuries they caused.

- 1 Now, Officer Geanes had actually come
- 2 downstairs by this time; is that true?
- 3 A. Yes.
- 4 Q. Did Officer Geanes ever strike, hit or
- 5 punch you?
- 6 A. No.
- 7 Q. All right. Did you have any conversation
- 8 with Officer Geanes prior to asking for medical
- 9 treatment?
- 10 A. Yes.
- 11 Q. Okay. What did you say to Officer Geanes
- 12 prior to asking for medical treatment or what did
- 13 he say to you?
- 14 A. I asked him how long it was going to be
- 15 until I could leave.
- 16 Q. Okay. And approximately how long had you
- 17 been in the cell when you asked that?
- 18 A. Two and a half hours maybe.
- 19 Q. Okay. Did Officer Geanes arrive before or
- 20 after the Chicago police left?
- 21 A. I don't know where he was. I don't -- I
- 22 don't recall.
- Q. How long after you ripped your pants did
- 24 the Chicago police leave?

- 1 A. 20 minutes.
- Q. Okay. Did they have any other
- 3 conversations that you were able to hear with the
- 4 Metra police?
- 5 A. No.
- 6 Q. Do you know why they stuck around so long?
- 7 A. No.
- 8 Q. Did they --
- 9 A. They kept talking and then they left.
- 10 That was it. I never seen them until I went to the
- 11 First District, and it was different police
- 12 officers by that time. I never saw them again.
- 13 Q. And you never had any conversation at any
- 14 time with the Chicago police officers that arrived
- 15 at the Metra police offices?
- 16 A. Correct.
- 17 Q. All right. At what -- it says you asked
- 18 for medical treatment. This was after your pants
- 19 ripped apart?
- 20 A. Yes.
- Q. And you said you had been in the cell for
- 22 about two hours?
- 23 A. Yes.
- Q. Okay. What did you feel needed medical

- 1 attention? Where were you hurting?
- A. My whole side.
- 3 Q. You indicated when you fell backwards when
- 4 you were shoved, I'm sorry, when you were shoved
- 5 down and falling backwards, that you did not hit
- 6 the toilet. Did you hit anything other than the
- 7 concrete ground?
- 8 A. No.
- 9 Q. Okay. Did you have any cuts on your wrist
- 10 by this point?
- 11 A. I could not see them.
- 12 Q. Did all three defendants say -- strike
- 13 that.
- 14 Did you ask Officer Kimble for medical
- 15 treatment?
- 16 A. I didn't see him until later on in the
- 17 night.
- 18 Q. Okay. So when this says, during his
- 19 ordeal Matthew asked for medical treatment, and all
- 20 the defendants refused to assist him with the
- 21 injuries they caused, first of all, how many times
- 22 throughout the evening did you ask for medical
- 23 treatment?
- A. At least four times. I also asked to go

- 1 to the washroom.
- Q. Which came first? Did you at any time ask
- 3 for medical treatment before asking to use the
- 4 washroom?
- 5 A. I asked to go to the washroom first.
- 6 Q. Okay. So you asked to actually use the
- 7 restroom, washroom prior to asking for any medical
- 8 treatment?
- 9 A. Correct.
- 10 Q. All right. Did you ask to use the
- 11 washroom before or after the Chicago police
- 12 officers left?
- 13 A. No. I didn't think I was going to be
- 14 there that long.
- 15 Q. Okay. So you asked to use the washroom
- 16 sometime after the Chicago police officers left?
- 17 A. Yes, because some time went on.
- 18 Q. Was Miss Coleman still in the Metra police
- 19 offices when the Chicago police officers left?
- 20 A. I don't recall.
- Q. Was Miss Coleman in the Metra police
- 22 offices when the Chicago police officers arrived?
- 23 A. I don't recall.
- Q. Do you know how Miss Coleman left the

- 1 Metra police offices?
- A. I believe a paramedic showed up and was
- 3 giving her aid.
- 4 Q. Did the paramedic actually come down into
- 5 the Metra police offices?
- 6 A. Yes.
- 7 Q. When you -- you were able to see the
- 8 paramedic arrive?
- 9 A. I couldn't see him, but I saw
- 10 Miss Coleman. And I don't know what they were
- 11 doing to her, but it looked like they were helping
- 12 her out.
- 13 Q. Okay. And at some point when you became
- 14 aware that this paramedic was down there, did you
- 15 do anything to alert the paramedic to your
- 16 presence?
- 17 A. I didn't know if it was a paramedic or
- 18 not. I believe it was a paramedic because
- 19 that's -- from what my understanding is police
- 20 officers do not do medical attention to someone
- 21 like if Miss Coleman was hurt.
- Q. Do you know if she was hurt?
- 23 A. No.
- Q. Let me reask that.

- No, you don't know if she was hurt, or no,
- 2 she wasn't hurt?
- 3 A. I do not know if she was hurt.
- 4 Q. All right. You asked to use the washroom.
- 5 Is that when according to Paragraph 23,
- 6 Officer Geanes responded by stating, "you ain't --
- 7 strike that.
- 8 Paragraph 22, you ask to use the toilet
- 9 facility; and the defendants responded by stating,
- 10 "you ain't using shit."
- 11 Was it all three police officers who said
- 12 that exact quote?
- 13 A. No.
- 14 Q. Who said it?
- 15 A. Kimble and then later Geanes later on.
- 16 Q. So you initially asked to use the toilet.
- 17 Officer Kimble said, you ain't using shit; and then
- 18 did you just continue to sit in the cell for a
- 19 little while?
- 20 A. Yes.
- 21 Q. All right.
- MR. FITZSIMMONS: Ms. Mayhew, if you could find
- 23 a spot to take a recess for the rest of the day in
- 24 the next couple of minutes or if this is good

- 1 because we are going to leave, and we need to
- 2 resume it at a later date.
- 3 MS. ROSEN: Is this a logical place?
- 4 MS. MAYHEW: Sure.
- 5 MS. ROSEN: All right so it's 5:00.
- 6 MR. FITZSIMMONS: It is 5:00.
- 7 MS. ROSEN: Okay. We have to find another time
- 8 to come in, and by that time hopefully you will
- 9 provide the information on the --
- 10 MR. FITZSIMMONS: Here is what I have right
- 11 now.
- MS. ROSEN: Why don't we put this on the
- 13 record?
- 14 MR. FITZSIMMONS: Here's what I owe you. I owe
- 15 you a full disclosure with respect to Dr. Krupica.
- 16 MS. ROSEN: Okay.
- 17 MR. FITZSIMMONS: See if we can find the cell
- 18 phone number that he had in August of 2007. And
- 19 I'm going to provide you with contact information
- 20 as to the two women, the two young women, right?
- 21 MS. ROSEN: Yeah.
- MR. FITZSIMMONS: Can you think of anything
- 23 else?
- MS. ROSEN: We're going to be able to get you

- 1 those release -- whatever release the doctor says
- 2 is appropriate so that we can get these
- 3 psychological counseling records.
- 4 MR. FITZSIMMONS: Did you write down her phone
- 5 number?
- 6 MS. MAYHEW: I believe I did, yes,
- 7 (847) 542-1265.
- 8 MR. FITZSIMMONS: Why don't you contact her
- 9 office right away and find out what she wants; and
- 10 if there's anything special that we have to
- 11 prepare, in the meantime I'll also contact her.
- 12 We're going to meet on Friday. And my
- 13 suggestion is seeing as how this has gone, if we're
- 14 going to start at 10:00 we only have time for one
- 15 of the officers. So I would be asking for
- 16 Officer Kimble first. So there's no need to bring
- 17 somebody else down, have him sitting there for a
- 18 better part of the day and only getting an hour or
- 19 so in.
- 20 MS. MAYHEW: I was going to ask since we're on
- 21 the subject of this treatment which you just
- 22 learned about, previously it had been indicated
- 23 that it was just the emergency room treatment in
- 24 terms of the other injuries, is that still accurate 238

- 1 or was there then additional follow-up for those?
- 2 MR. FITZSIMMONS: There's no additional
- 3 medical -- I'll have to talk to him. But from
- 4 what I know, and I haven't seen anything different,
- 5 there's no additional medical treatment, no. You
- 6 get the name of the medical treaters. The only one
- 7 that I was not aware of was Dr. Krupica.
- 8 MS. MAYHEW: We actually didn't get the signed
- 9 HIPAA's back.
- 10 MR. FITZSIMMONS: Oh, I have them.
- 11 MS. MAYHEW: Great. All we were able to get
- 12 was the ER previously.
- 13 MR. FITZSIMMONS: My apologies.
- 14 MS. ROSEN: As you're looking for that, do you
- 15 have dates now that we can reconvene for the
- 16 follow-up for this deposition?
- 17 MR. FITZSIMMONS: Yeah. That's why I brought
- 18 my calendar.
- 19 MS. MAYHEW: Let me grab mine. I'll be right
- 20 back.
- 21 (Whereupon, the deposition was
- continued to July 7, 2009, at
- 23 the hour of 9:00 a.m.)

ž ()
) SS:
COOK)
RAELENE STAMM being first duly sworn, on
s that she is a court reporter doing
in the City of Chicago; and that she
in shorthand the proceedings of said
and that the foregoing is a true and
transcript of her shorthand notes so taken
said, and contains the proceedings given at
ring.
Kaeline Stamm
Certified Shorthand Reporter
}

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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

MATTHEW GRANBERG,)	
Plaintiff,)	JURY TRIAL DEMANDED
v.)	08 CV 3131 JUDGE SHADUR
METRA POLICE OFFICER DION KIMBLE,	Ś	MAGISTRATE JUDGE KEYS
STAR #105, SERGEANT ALFRED COLLINS,	Ś	1.1101011111111111111111111111111111111
and POLICE OFFICER LARRY GEANES,)	
Defendants.)	

NOTICE OF FILING

To: Sue Ann Rosen
Jennifer Mayhew
Senior Litigation Counsel
METRA LAW DEPARTMENT
547 W. Jackson Bivd. 15th floor
Chicago, IL 60661

PLEASE TAKE NOTICE that on <u>August 27, 2008</u> I filed with Clerk of the Court <u>PLAINTIFF'S</u> <u>FIRST AMENDED COMPLAINT</u> a copy of which is attached hereto and hereby served upon you.

CERTIFICATE OF SERVICE

I, Phillip J. Oliver, an attorney, hereby certify that I have caused true and correct copies of the above and foregoing <u>PLAINTIFF'S FIRST AMENDED COMPLAINT</u>, to be filed electronically and sent, via the United States Postal Service delivery this the 27th day of August, 2008, to the parties listed above.

/s/ Phillip J. Oliver



IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

MATTHEW GRANBERG,)
Plaintiff,) JURY TRIAL DEMANDED
v.) 08 CV 3131) JUDGE SHADUR
METRA POLICE OFFICER DION KIMBLE,) MAGISTRATE JUDGE KEY
STAR #105, SERGEANT ALFRED COLLINS,)
and POLICE OFFICER LARRY GEANES,)
)
Defendants.) .

PLAINTIFF'S FIRST AMENDED COMPLAINT

NOW COMES the plaintiff MATTHEW GRANBERG, by and through his attorneys, THE LAW OFFICE OF ROBERT D. KUZAS, and for his complaint against defendants METRA POLICE OFFICERS DION KIMBLE, LARRY GEANES and SERGEANT ALFRED COLLINS states as follows:

INTRODUCTION

1. This is a civil action seeking damages against the defendants for committing acts under color of law and depriving the plaintiff of rights secured by the Constitution and laws of the United States.

PARTIES

- 2. Plaintiff MATTHEW GRANBERG (MATTHEW) is a resident of Cook County, Illinois. MATTHEW is an American citizen of European (white) ethnic ancestry.
- 3. METRA is a municipal corporation, duly created and established by and under the laws of the State of Illinois pursuant to the "Regional Transportation Authority Act" (70 ILCS 3615/1.01, et seq.) as the "commuter rail division" with statutory authority to hire and employ sworn and certified peace officers such as the defendants; and was at all relevant times the employer of defendants KIMBLE, GEANES and COLLINS.

- 4. Defendant METRA POLICE OFFICER DION KIMBLE, ("KIMBLE"), METRA POLICE OFFICER LARRY GEANES ("GEANES") and METRA POLICE OFFICER SERGEANT ALFRED COLLINS ("COLLINS") were, at the time of the events alleged herein, duly sworn and certified peace officers in the state of Illinois who were employed as "police officers" by METRA.
- 5. They engaged in the conduct complained of while on duty in the course and scope of their employment and under color of law. They are sued in their individual capacities. KIMBLE, GEANES and COLLINS are persons of African-American (black) ethnic ancestry.

JURISDICTION AND VENUE

- 6. This Court has subject matter jurisdiction over the Plaintiff's federal claims pursuant to 42 U.S.C. §§ 1983 and 1988 and 28 U.S.C. §§ 1331 and 1343(a). This Court has personal jurisdiction over the individual Defendants as each of them are residents of Illinois and all actions complained herein occurred in Chicago, Illinois. This Court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367(a).
- 7. Venue is proper in this court pursuant to 28 U.S.C.§ 1391(b). Defendants are residents of Cook County, Illinois and a substantial part of the events which give rise to Plaintiff's claims occurred in Cook County, Illinois.

FACTS COMMON TO ALL COUNTS

- 8. On the evening of August 30, 2007 MATTHEW was a pedestrian on the public way returning home from a sporting event and was in the vicinity of 151 N. Michigan Avenue in the city of Chicago, Cook County, Illinois.
- 9. While he was walking on the street, MATTHEW was accosted and confronted by a "homeless person" who was later identified as Deborah Coleman, an African-American woman of indeterminate adult middle age. Coleman was also accompanied by two other homeless persons when she confronted MATTHEW.

- 10. All three attacked MATTHEW and expressed statements and utterances implying that all three intended to take property (including money) from MATTHEW by the use of force. During this attack one of the attackers was armed with a wooden stick with which the attacker (a male person) attempted to strike MATTHEW.
- 11. After being assaulted with the wooden stick, MATTHEW seized the weapon and defended himself. Nevertheless, Deborah Coleman stood her ground and continued to attempt to harm and rob MATTHEW.
- 12. MATTHEW threw the stick at Coleman to ward off the attack of Deborah Coleman and then ran from his assailants to prevent further violence to himself.
- 13. Despite the fact that MATTHEW, who had fallen to the pavement at Garland Court and Randolph St., was obviously the victim of an attack by an unkempt and disheveled "homeless person," defendant KIMBLE initiated an unprovoked attack upon MATTHEW.
- 14. Without asking any questions or announcing his office, KIMBLE struck MATTHEW with an expandable metal baton repeatedly (9 or 10 times) while MATTHEW lay motionless and defenseless on the pavement of the public way.
- 15. KIMBLE then handcuffed MATTHEW, dragged him to his feet in a painful and humiliating manner and walked him towards the METRA offices, approaching defendant COLLINS who was 'nearby. COLLINS stated to MATTHEW "So, you like hitting black people" and then immediately struck MATTHEW in the face with his hand.
- 16. Both KIMBLE and COLLINS then dragged MATTHEW down a set of stairs to METRA offices, causing MATTHEW'S wrists to be injured.
- 17. In the METRA offices KIMBLE and COLLINS were joined by defendant GEANES.

 COLLINS once again stated to MATTHEW "So you like hitting black people" and struck

 MATTHEW in the face.

- 18. Following the action by COLLINS, KIMBLE then immediately struck MATTHEW in the face with his hand.
- 19. MATTHEW was handcuffed to wall restraints in a small concrete room for several hours. At one point MATTHEW heard the voices of Chicago Police Officers outside his detention room and kicked the door to alert them to his presence.
- 20. The door was opened by COLLINS: MATTHEW stated "I want to talk to the real police": COLLINS stated "I am the real police" and grabbed MATTHEW roughly and then threw him to the concrete floor, injuring MATTHEW and causing MATTHEW'S pants to be ripped apart.
- 21. During his ordeal MATTHEW asked for medical treatment and all of the defendants refused to assist him with the injuries they caused.
- 22. MATTHEW asked the defendants to use a toilet facility and the defendants responded by stating "You ain't using shit".
- 23. MATTHEW asked the defendants to loosen the handcuffs which were affixed in a manner that was painful and injurious: GEANES responded by stating "We ain't trusting you white boy."
- 25. After arresting MATTHEW and holding him in a temporary facility at Randolph Street and Michigan Avenue for a period of five hours, the defendants then took MATTHEW to the Chicago Police Department arrest facility at 1800 S. State St.
- 26. At 1800 South State St. the defendants caused MATTHEW to be charged with misdemeanor criminal offenses and thereafter released on bond.
- 27. All of the charges that the defendants caused to be placed against MATTHEW were dismissed with prejudice on October 19, 2007.
- 28. After his release from custody early in the morning of August 31, 2007 MATTHEW was treated for his injuries at Swedish Covenant Hospital in Chicago, Illinois.

29. As a result of the actions of the defendants, and each of them, MATTHEW suffered physical injuries; was forced to spend money for medical care and treatment; was forced to spend money to retain counsel to defend himself against false and fabricated criminal charges; and suffered severe and extreme emotional distress.

COUNT I

(42 U.S.C. §1983, Excessive Force Claim)

- 30. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.
- 31. While MATTHEW lay motionless and defenseless on the pavement of the public way KIMBLE initiated an unprovoked attack upon MATTHEW by striking him with an expandable metal baton repeatedly (9 or 10 times). KIMBLE then handcuffed MATTHEW dragged him to his feet in a painful and humiliating manner. Both KIMBLE and COLLINS then dragged MATTHEW down a set of stairs to METRA offices, causing MATTHEW'S wrists to be bruised and injured. COLLINS and KIMBLE then struck MATTHEW in the face with their hands.
- 32. MATTHEW was then handcuffed to wall restraints in a small concrete room for several hours. COLLINS entered the room, grabbed MATTHEW roughly and then threw him to the concrete floor. Further, during his ordeal MATTHEW asked for medical treatment and the use of bathroom facilities; the defendants refused to assist him with the injuries they caused.
- 33. The defendants' actions violated plaintiff's Fourth Amendment right, as guaranteed by the Fourteenth Amendment, to be free from the use of excessive and unreasonable force.

WHEREFORE, plaintiff requests that this Honorable Court enter judgment in his favor and against the defendants and that he be awarded compensatory and punitive damages, reasonable attorneys' fees, costs, and expenses and such other relief as this Court deems just and equitable.

COUNT II

(42 U.S.C. §1983, Unreasonable Seizure Claim)

- 34. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.
- 35. After the plaintiff was struck by KIMBLE with an expandable metal baton and placed in handcuffs he was not free to leave and was sized within the meaning of the fourth Amendment.
- 36. Defendants did not have an arrest warrant, probable cause, reasonable suspicion, consent, or any other lawful basis to seize the plaintiff and therefore violated plaintiff's Fourth Amendment right, as guaranteed by the Fourteenth Amendment, to be free from the use of and unreasonable and excessive force.
- 37. The defendants' actions were without any legal justification or probable cause and were motivated by the color of the plaintiff's skin and the nature of his ethnicity and therefore violated plaintiff's Fourth Amendment right, as guaranteed by the Fourteenth Amendment, to be free from the use of excessive and unreasonable force.

WHEREFORE, plaintiff requests that this Honorable Court enter judgment in his favor and against the defendants and that he be awarded compensatory and punitive damages, reasonable attorneys' fees, costs, and expenses and such other relief as this Court deems just and equitable.

COUNT III

(42 U.S.C. §1983, Equal Protection Claim)

- 38. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.
- 39. Based on the conduct of the defendants the plaintiff was deprived of his right to Equal Protection under the law as provided in the Fourteenth Amendment to the Constitution of the United States.

WHEREFORE, plaintiff requests that this Honorable Court enter judgment in his favor and against the defendants and that he be awarded compensatory and punitive damages, reasonable attorneys' fees, costs, and expenses and such other relief as this Court deems just and equitable.

COUNT III

(42 U.S.C. §1983, Due Process Claim)

- 40. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.
- 41. Based on the conduct of the defendants the plaintiff was deprived of Due Process under the law as provided in the Fourteenth Amendment to the Constitution of the United States.

WHEREFORE, plaintiff requests that this Honorable Court enter judgment in his favor and against the defendants and that he be awarded compensatory and punitive damages, reasonable attorneys' fees, costs, and expenses and such other relief as this Court deems just and equitable.

COUNT IV

(State Law - False Imprisonment Claim)

- 42. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.
- 43. Defendants did not have an arrest warrant, probable cause, or any other lawful basis to seize, arrest, and imprison the plaintiff, and thereby violating Plaintiff's right to be free from unlawful imprisonment

WHEREFORE, plaintiff requests that this Honorable Court enter judgment in his favor and against the defendants and that he be awarded compensatory and punitive damages, reasonable attorneys' fees, costs, and expenses and such other relief as this Court deems just and equitable.

COUNT V

(State Law - False Imprisonment Claim)

- 44. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.
 - 45. Plaintiff was subject to judicial proceedings without probable cause.
- 46. Defendants instituted and continued the proceedings falsely, willfully/intentionally, and maliciously.
- 47. The proceedings were terminated in the Plaintiffs favor and terminated in a manner which indicates actual innocence as the Defendants did not appear and testify in the Circuit Court of Cook County and the Plaintiff's case was dismissed.

WHEREFORE, plaintiff requests that this Honorable Court enter judgment in his favor and against the defendants and that he be awarded compensatory and punitive damages, reasonable attorneys' fees, costs, and expenses and such other relief as this Court deems just and equitable.

COUNT VI

(State Law - Intentional Inflection of Emotional Distress)

- 48. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.
- 49. The above conduct of the individual Defendants in using excessive force, falsely arresting, terrorizing, and causing the plaintiff to be imprisoned and prosecuted was without cause or justification, was intentional and/or was committed with willful and wanton disregard for his safety and rights. Said actions by the defendants were outrageous and caused the plaintiff to suffer great pain and emotional distress.

WHEREFORE, plaintiff requests that this Honorable Court enter judgment in his favor and against the defendants and that he be awarded compensatory and punitive damages, reasonable attorneys' fees, costs, and expenses and such other relief as this Court deems just and equitable.

COUNT VII

(State Law - Assault and Battery)

- 50. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.
- 51. The defendants acted intentionally/willfully and wantonly in striking and beating MATTHEW for the purpose of causing injuries and pain to him.
- 52. The plaintiff did not consent to the beating at the hands of the defendants and the defendants were not defending themselves from the handcuffed and restrained plaintiff when they beat him.
- 53. The actions of the defendants were the direct and proximate cause of the plaintiff's injuries and emotional suffering as set forth herein.

WHEREFORE, plaintiff requests that this Honorable Court enter judgment in his favor and against the defendants and that he be awarded compensatory and punitive damages, reasonable attorneys' fees, costs, and expenses and such other relief as this Court deems just and equitable.

JURY DEMAND

Plaintiff demands trial by jury on all counts

DATED: August 27, 2008

Respectfully submitted,

/s/ Phillip J. Oliver

/s/ Joseph T. FitzSimmonhs

Joseph T. FitzSimmons
Phillip J. Oliver, LL.M.
THE LAW OFFICE OF ROBERT D. KUZAS, LTD.
222 North LaSalle St., Suite 200
Chicago IL 60601
312. 629. 1400

IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

MATTHEW GRANBERG	
Plaintiff,))) JURY TRIAL DEMANDED
v.) 08 CV 3131
METRA POLICE OFFICER DION KIMBLE, STAR #105, SERGEANT ALFRED COLLINS, and POLICE OFFICER LARRY GEANES,))) JUDGE SHADUR)
Defendants.) MAGISTRATE JUDGE KEYS)

PLAINTIFF'S ANSWERS TO INTERROGATORIES

NOW COMES the Plaintiff MATTHEW GRANBERG, by and through his attorneys, Phillip J. Oliver and Joseph T. FitzSimmons, answering the following interrogatories under oath as follows:

I. State the Plaintiff's full name including middle name, current address, date of birth, driver's license number and issuing State, marital status, social security number, and all telephone numbers used by Plaintiff in the last 5 years, including cellular phone numbers with the identity of phone service provider(s) for each number,

ANSWER:

MATTHEW MICHAEL GRANBERG: 5040 N. Nottingham, Chicago IL 60656 27 November 1987; G651-5538-7337 issued by the state of Illinois; 320-80-0182; unmarried; 773-899-1113 (Verizon cellular service).

2. State any and all addresses where Plaintiff has lived or resided from 2002 to the present, the dates Plaintiff resided at the addresses, and provide the full name, address and telephone number for all persons who resided with Plaintiff at said addresses on each date, and the place(s) where the Plaintiff was residing on in August and September 2007.

ANSWER:

5040 N. Nottingham, Chicago IL 60656; Plaintiff resides there with his father, Michael Granberg and his dog, Lexo. Plaintiff resided at 5040 N. Nottingham in August/September of 2007.

Previous address:6119 N. Mason St., Chicago, IL 60646. Plaintiff resided there with his mother, Jacqueline Lecas Granberg and his sister, Michaelene Granberg



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3. State the full name, address and telephone number of each person who witnessed, participated in or claims to have witnessed or participated in any event alleged in the Complaint, or who is likely to have discoverable information relevant to the facts of the Complaint, identifying the subjects of the information.

ANSWER:

Defendants METRA Police Officer Dion Kimble – METRA Police supervisor Alfred Collins – METRA Police Officer Larry Geanes. Deborah Coleman. Two (2) unknown homeless persons (one male and one female) who were with Coleman when they attacked and assaulted the Plaintiff on August 30, 2007. All of the other persons and/or police officers of the Chicago Police Department who are identified and listed on the Plaintiff's Rule 26 Disclosure, hereinbefore filed on August 12, 2008.

4. State the full name, address, and telephone number of each person not named in Interrogatory No. 2 above, who was present at the scene, including the Metra officers, immediately before, at the time of, or immediately after the occurrence alleged in the Complaint.

ANSWER:

Defendants METRA Police Officer Dion Kimble – METRA Police supervisor Alfred Collins – METRA Police Officer Larry Geanes. Deborah Coleman. Two (2) unknown homeless persons (one male and one female) who were with Coleman when they attacked and assaulted the Plaintiff on August 30, 2007. All of the other persons and/or police officers of the Chicago Police Department who are identified and listed on the Plaintiff's Rule 26 Disclosure, hereinbefore filed on August 12, 2008.

5. State the full name, phone number, and address of each of Plaintiff's parents including any step-parents, grandparents, and sibling(s) and step-sibling(s), and identify those family members who saw Plaintiff within the 2 weeks prior and 2 weeks subsequent to the occurrence.

ANSWER:

Father: MICHAEL GRANBERG, 5040 N. Nottingham St., Chicago, IL 60656 (773) 774-3596.

Mother: JACQUELINE LECAS GRANBERG, Dunwoody Street, Valparaiso, Indiana (219. 707. 5474).

Sister: MICHAELENE REBECCA GRANBERG Dunwoody Street, Valparaiso, Indiana (219. 707. 5474).

Mr. and Mrs. Granberg observed their son within the 2 weeks prior to and 2 weeks subsequent to the event.

6. Identify the sporting event Plaintiff attended, as referenced in Paragraph of the Complaint, and with respect to the sporting event, state the time the event started, at the time the event ended and/or was scheduled to tend, the location of the event, when Plaintiff arrived at the event, when Plaintiff left the event, the mode of transportation Plaintiff used to arrive at the event and the mode of transportation Plaintiff used to leave the event.

ANSWER:

The Plaintiff attended a Chicago Bears pre-season football game at the Soldier Field stadium in Chicago, IL. It is believed that the game started at approximately 7:00 p.m. There was no specific "scheduled" end of that sporting event. Mr. Granberg arrived at the stadium location at about 6:15 p.m. after using the "blue line" public transportation system of the CTA to travel to the sports venue. Mr. Granberg left the venue at about 8:00 p.m. and traveled from the venue on foot.

7. State the name, address, and telephone number of each person who was with Plaintiff at the aforesaid sporting event, and with respect to each person, state when that person left the event and identify those persons, if any, who left the event with Plaintiff.

ANSWER:

Mr. Granberg was accompanied to the sporting event by Ryan Ames (Chicago, IL) who left the event without the plaintiff. Mr. Granberg does not know when Mr. Ames left the event. Mr. Granberg believes that Mr. Ames now resides in Tennessee with his immediate family.

8. Identify and provide the address of Plaintiff's intended destination once he left the sporting event, if different, Plaintiff's intended destination just prior to the occurrence, Plaintiff's whereabouts after Plaintiff left the sporting event up to the time of the occurrence, including any and all businesses, residences, and public locations where Plaintiff stopped before arriving at 151 North Michigan Avenue, and provide the names and addresses of all persons who were with Plaintiff during this time.

ANSWER:

Mr. Granberg left the sports venue and walked toward the CTA blue line rapid transit stop. His intended destination was his home at 5040 N. Nottingham St., in Chicago. He stopped for something to eat at a now closed "Bennigan's Restaurant" on Michigan Ave. He was not accompanied by any other person.

9. State the name and address of all schools, including high school(s), preparatory school(s), college(s) and vocational schools, attended by Plaintiff from 2000 to present, and for each school state the year(s) of attendance, any major or minor declared or intended to be declared, the date(s) of graduation (if applicable), and identify any degrees, diplomas, and/or certificates Plaintiff received.

ANSWER:

High School: 2002/2006 at Notre Dame High School in Niles, Illinois. Wright College in Chicago, IL, from 2008 to current. Mr. Granberg took one class at Triton College in River Grove, IL in the spring of 2008.

10. Identify any and all aliases, nicknames, or other names Plaintiff used or by which Plaintiff has been known since 2002 to the present, and for each, identify the names, addresses and telephone numbers of all persons who use these names to refer to and/or address Plaintiff.

ANSWER:

None.

11. State with specificity what Sergeant A and Officer B each did and or said to Plaintiff on the night of the occurrence.

ANSWER:

The plaintiff objects to Interrogatory number 11 in that the defendants are currently identified by their individual names; the interrogatory is overly broad, vague and more appropriately suited for oral discovery in the formal setting of Plaintiff's deposition testimony.

12. Identify any and all email addresses, user names, internet service providers internet blogs, chat rooms, or online information sharing sites such as Facebook and My Space utilized by Plaintiff from 2002 to present.

ANSWER:

Matthewgranberg10@yahoo.com

- 13. Describe in general the injuries sustained by Plaintiff, including emotional injuries, as a result of said occurrence, and with regard to said injuries, please state:
- (a) The body part or parts that were injured;
 Bruises about the lower extremities and the torso soft tissue injuries, including the wrists and ankles pain to the abdominal organs that lasted for days

(b) Whether that body part or parts had ever been injured before the occurrence;

None of these body parts had been injured prior to this incident in any significant or memorable way.

(c) The name and addresses of each attending physician, mental health provider, hospital or clinic rendering service to Plaintiff; the date or inclusive dates on which each rendered Plaintiff services; and the amount of their respective bills;

The plaintiff was treated by the medical staff of the Swedish Covenant Hospital beginning on August 31, 2007. Investigation continues.

(d) The name and address of each consulting physician; the date or inclusive dates on which each rendered Plaintiff service; and the amounts of their respective bills;

Investigation continues.

(e) The name and address of each person or laboratory taking and x-ray of Plaintiff; the date or dates upon which x-rays were taken; and the amounts of their bills:

Investigation continues.

ANSWER:

The Plaintiff suffered the various injuries specified hereinabove. The Plaintiff has also suffered anxiety as a result of the conduct of sworn police representatives that was essentially criminal in nature and which singled him out by reason of his race and ethnicity. Further explanation of these items of special damage is more suited to oral discovery in the setting of a formal discovery deposition.

14. For ten (10) years prior to service of these interrogatories, and up to and including the date of trial, provide the name, address and telephone number of each medical and mental health provider, including any medical/mental health facility, who rendered any care to Plaintiff, and for each, identify the date or inclusive dates of said services, the reason for Plaintiff's treatment, consultation, or convalescence.

ANSWER:

The Plaintiff has not been treated by any mental health service provider or facility.

15. As relevant to the instant complaint, were photographs taken of Plaintiff, Plaintiff's alleged injuries, Plaintiff's damaged clothing or anything relevant to the instant complaint? If so, state the date and time on which each photograph was taken, its subject, who took the photograph(s), the location where the photographs were taken, who was present for the photographs, the type and/or model camera used, and who owned the camera.

ANSWER:

Yes. All photographs of the Plaintiff's injuries have been tendered to the Defendants for examination and copying.

16. Did Plaintiff consume alcohol within 24 hours prior to the alleged incident? If so, state what alcohol was consumed, when such alcohol was consumed, where it was consumed, who provided it, and how much alcohol was consumed.

ANSWER:

- Yes. Mr. Granberg consumed 2 or 3 cans of Miller Lite beer prior to traveling to the sports venue in the afternoon of August 30, 2007. Mr. Granberg had nothing further to drink (of an alcoholic nature) after those cans of beer.
- 17. Did Plaintiff consume or ingest any medications or drugs during the 24 hours prior to the alleged incident? If so, please identify what medication(s) and/or drug(s) were consumed, where or by whom such medication(s) and/or drug(s) were obtained, and the quantity of medication(s) and/or drug(s) consumed.

ANSWER:

No.

18. List each and every bill expense or loss (including wage loss and medical bills) which Plaintiff claims he incurred as a result of the instant occurrence and for each state the date it was incurred, the nature of the bill expense or loss, the person or entity with whom this loss, expense or bill was incurred; all disability, medical or other insurance payments received relative to each; and, identify any and all insurance carriers making payments on Plaintiff's behalf setting forth the group number and identification number for Plaintiff for all policies of insurance under which he was covered at the time.

ANSWER:

Mr. Granberg is presently (through his attorneys) gathering all of the documentation of his losses (including medical bills, wage loss confirmation, etc.) and will tender such documentation to the Defendants once it has been produced. Plaintiff's investigation continues.

19. Does Plaintiff have any statements or writings concerning communications from any witness other than the Plaintiff? If so, give the name and address of each such witness, the date of said statement and state whether the statement was written or oral.

ANSWER:

No.

20. State the name and address of the Plaintiff's regular treating physician, commonly known as a "family doctor", for the period of ten (10) years prior to the occurrences alleged in the Complaint through and including the present date.

ANSWER:

Richard Hayes, M.D. 4801 W. Peterson Ave., Suite 600 Chicago IL 60646 773. 777. 0078

21. List the date of each citation, ticket, arrest, conviction, school suspension or school expulsion relative to the Plaintiff, and explain the basis for each.

ANSWER:

None, other than the wrongful arrest and malicious prosecution instituted by the defendants that is the subject of this litigation.

22. Provide the name, address and telephone number of each employer of Plaintiff since 2002 to the present.

ANSWER:

Cut Rate Toys, 5615 W. Devon Ave., Chicago IL Edgebrook Golf Course; Billy Caldwell Golf Course; U.P.S. (Northbrook, IL); A.S.I.G. (Old Cargo Road, OHare Airport, Chicago, IL 773-686-7001).

23. Identify the name, address, phone number, star number of each Chicago Police Officer who was involved or present at any time between Plaintiff's arrest by Officer Kimble to the time Plaintiff was released from police custody on August 31, 2007.

ANSWER:

The Plaintiff believes that the on-duty "Watch Commander" at the Chicago Police Department's First District lockup facility was Lieutenant Kim Toy Huh. All others are unknown to the plaintiff at this time. Investigation continues.

24. Identify each and every conversation Plaintiff had with a Chicago Police Officer regarding the occurrence, and for each conversation provide the date of the conversation, the name and star number of the police officer, and what was said by whom.

ANSWER:

The Plaintiff is unable to answer this interrogatory in the form in which it is posed. Please contact the Plaintiff's attorneys to discuss the information requested in this interrogatory.

25. Identify all other persons who Plaintiff was with on the day of the incident, and include each person's name, address and telephone number.

ANSWER:

The Plaintiff worked during the day at the Edgebrook Golf Course from 5:30 a.m. to 1:00 p.m. During his work day Mr. Granberg interacted with various other employees and members of the general golfing public. He cannot specifically recall who those parties were. Thereafter, he spent time in the company of Mr. Ames (see the Answer to Interrogatory 7, above).

VERIFICATION

The Plaintiff MATTHEW GRANBERG, pursuant to 28 U.S.C. §1746, hereby verifies under penalty of perjury that the above and foregoing Answers to Interrogatories are complete, true and correct to the best of his belief.

ss/ MATTHEW GRANBERG

DATED: October 17, 2008

Respectfully submitted,

/s/Phillip J. Oliver

Mosephal FitzSimple

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